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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

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Applicants:	KEIL, KURT	Group Art Unit: 3637
Serial No.:	09/892,359	Docket No.: KK#2-3
Filed:	June 28, 2001	Preliminary Class: Unknown
Mark:	STRUCTURAL TUBING MEMBERS WITH FLARED OUT END SEGMENTS FOR CONJOINING	Examiner: Phi P A

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**REPLY BRIEF TO NON-FINAL PTO ACTION ON MERITS OF 04/06/05**

Commissioner for Patents  
Box 1450  
Alexandria, Va. 22313-1450

Dear Sir:

Preamble. The latest PTO action of April 26 last, having an extendable shortened statutory, presently set to expire on 26 July 2005, was made in response to our substantive reply brief of July 26, 2004. The current brief addresses each of the outstanding grounds of rejection in order of their complexity.

A. Terminal Disclaimer Issue:

The terminal disclaimer filed on June 6, 2004, which has been reviewed and accepted by the Examiner renders that issue now moot.

The Rejection of Ongoing Claims under Code Section 103 (a)

This ground of rejection was fully treated in our reply brief filed July 2004, and is still fully applicable to transverse the Section 103 rejection is predicated on a single citation. That argument is incorporated here by reference in response to the rejection.

Upon further consideration, it should be withdrawn. Only one of the key points that are reproduced here by way of reminder of the citation deficiency.

“This citation wholly lacks motivation for engrafting the inventive channel members with the stated cross sections, the present channel members are always coupled with one or more pairs of functional linear grooving.”

II. As to the Claims Set and Rejection per Code § 112.

Amended claims 1 thru 26 remain in this case, with amended claims 1-20 and 23 standing allowed. Once amended claims 21, 22, 24, 25, and 26 (five in all) stand rejected under Section 112. As to claim 21 and dependent claim 22, the Examiner has objected to the wording “rectangular in cross-section with one open sidewall.” Such a cross-section is exemplified in specification figure 19. To obviate this technical ground, the objected to language is amended to be consistent with the language of the claim preamble itself so to recite: --- a transverse configuration of the three member sidewalls having a generally squared cross-section, which defines an opposing longitudinal opening opposing the central member of the conjoined three sidewalls ---. This new descriptive language is fully supported by Fig. 15, and the specification text at pages 17 and 18, all of which support the amendment. This amendment extends to, and rectifies, the language of dependent claim 22, to which no one change is indicated, except as set out below,

III. The Examiner next objects to the lead recitation of dependent claim 22, which is “an externally placed linear groovings”. That ground is traversed by inserting substituting language as follows: “wherein the externally placed, linear groovings are located ---. This change connects the dependent claim 2 to subparagraph (b) of the parent claim 21.

Next, the Examiner objects to a phrase in independent claim 24, to wit: “ in which the two member sidewalls’. Such a recited configuration is depicted in Fig. 20, among others. This objection is obviated by substituting the phrase: “comprising two member sidewalls which are generally”. This adjusts the claim 24 to recite the angle-shaped member with affirmative wording. Independent claim 25 is similarly amended.

Next, the Examiner objects to the phrase in independent claim 26, to with: “the three member sidewall”, is lacking antecedent basis. This ground is similar to the wording objection in independent claim 21. This ground is also obviated by substituting: “comprising a three member sidewall which are generally planar, etc.

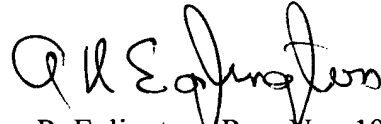
IV. The next objection to claim 26, is in reciting “such tubular members”, which is overcome by substituting the phrase “such channel member”.

Lastly, the Examiner objects to the term “rectangular” in subparagraph (a) of claim 26. Such is overcome (as is done with paragraph B of claim 21), by substituting “having a transverse configuration in which the three member sidewalls have a generally squared cross section which defines a generally planar”, etc.

The foregoing amendments are incorporated in Rider A attached here to, which is deemed to comply as the marked up amended claim sheet. The alternate clean text version of the amended claims 21 to 26 ( omitting claim 23) are set forth in Rider B hereto. Lastly, Rider C is the required claim number listing all 26 pending claims, listing each of them as to their prosecution status as of the time of this submission.

In view of the foregoing amendments to original claims 21, 22, 24, 25, and 26,  
then the outstanding rejection based on Section 112 is deemed to have been oviated.  
Favorable reconsideration of here amended claims is respectfully solicited, along with the  
formal allowance of allowable claims 1-20 and 23.

4/27/08



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